

Annual Report of the
Providence Ethics Commission
Fiscal Year 2018

Introduction

In accordance with Section 17-33(i)(2)(i) of the Providence Code of Ordinances, the Providence Ethics Commission (the "Commission") submits the within annual report (the "2018 Report") to the Providence City Council and Mayor Jorge O. Elorza. The 2018 Report provides a brief overview of the Commission's current composition and leadership, investigative activities, and educational activities performed in coordination with the Municipal Integrity Officer (the "MIO").

Letter from Chair Susann Mark

The Providence Ethics Commission has continued to focus this past year on expanding awareness of our mission and of the obligations imposed by the Ethics Code, not only to city employees and volunteers who must comply with its obligations, but also to the public generally. We have continued to explore new ways to do this outreach, including meeting individually with heads of city departments. There have been numerous calls this past year to the MIO, requesting informal advice, which tells us that there is awareness of the Code among many city employees. The addition of team member Rosa Arias-Perry will surely expand these educational and outreach opportunities.

Sincerely,

Susann Mark

Chair

Providence Ethics Commission

Commission Composition and Leadership

Consistent with Section 17-33(i)(1)(a), the Commission is comprised of three (3) members appointed by Mayor Elorza, three (3) members appointed by the Providence City Council, and one (1) member, who serves as the Commission's chairperson, appointed by the majority vote of the other six members.

The Commission is presently comprised of the following members, with the following terms¹:

- Susann G. Mark, Chair — Term expires February 5, 2019
- Tony Affigne — Term expires February 4, 2019
- Vanessa Crum — Term expires February 4, 2021
- Dawn Robertson — Term expires February 5, 2021
- M. Zachary Mezera, Vice Chair — Term expires February 5, 2019
- David Stuebe — Term expires February 5, 2022
- Nick Inglis - Term expires February 4, 2022

The Commission currently has no vacancies.

¹ In accordance with Section 17-33(i)(1)(a), members of the Commission serve four-year terms, except for the first members appointed by the Mayor and the City Council, who serve two-year terms, and the second members appointed by the Mayor and the City Council, who serve three-year terms. This schedule for staggering terms is reflected in the terms of the current membership.

Commission Duties and Powers

The primary duties and powers of the Commission are to render advisory opinions; investigate allegations of violations of the Providence Code of Ethics; and work in collaboration with the MIO to provide education, training, and guidance to employees and officials with respect to their ethical obligations. (Cf. Section 17-33(i)(2)(a), (b), and (f).

The Commission is also required to promulgate rules and regulations as necessary to carry out the provisions of the ordinance, with advice from the Solicitor's office and consent from the City Council. Section 17-33(i)(2)(e).

Advisory Opinions

Upon written request from Providence employees or officials, the Commission shall render advisory opinions as to the application or interpretation of the Providence Code of Ethics to the requesting employee or official, given a particular set of facts or circumstances. Section 17-33(i)(2)(a). Commission Regulation 2016-1 establishes a process for the requesting and rendering of advisory opinions. The Commission did not receive any requests for advisory opinions in fiscal year 2018.

Sub-Committees of the Ethics Commission

In early 2018, the Providence Ethics Commission undertook the creation of two subcommittees, to focus and hasten its work.

Sub-Committee on Policy and Procedures

Mission

The mission of the Providence Ethics Commission's Sub-Committee on Policy and Procedures is to review both internal and external ethics policies, procedures, legislation and related items, including the Providence Ethics Ordinance, in support of the Commission's goals in improving the ethical standards within the City of Providence and recommending appropriate action to the full Commission.

Members

Tony Affigne (Chair), Susann G. Mark, Dawn Robertson

Current work

- Investigation of increased whistleblower protections
- Investigation of better alignment and incorporation of Providence Ethics Code with/in pre-existing codes of ethics in Providence City departments

Sub-Committee on Communication and Outreach

Mission

The mission of the Providence Ethics Commission's Sub-Committee on Communication and Outreach is (1) to inform and engage the public in the work of the Providence Ethics Commission; and (2) to ensure that anyone who is subject to the City ethics code is adequately educated about the Providence Code of Ethics and the Rhode Island Code of Ethics.

Members

M. Zachary Mezera (Chair), Vanessa Crum, David Stuebe

Current work

- Generation of comprehensive goals and practices for training employees and officials in the Providence Code of Ethics and the Rhode Island Code of Ethics, and measurement thereof
- Investigation of strategies for informing employees, officials, and the public of their ability to avail of the Providence Ethics Commission

Investigations

Pursuant to Section 17-33(i)(2)(b), the Commission shall investigate situations of which it becomes aware that may potentially violate the Providence Code of Ethics, and shall render probable cause determinations in those circumstances.

At its February 21, 2018 meeting, the Commission dismissed one complaint (Complaint 2018-1) on the basis that the the facts alleged in the complaint did not constitute a knowing and willful violation of the Providence Code of Ethics. Complaint 2018-1 was transmitted to the Rhode Island State Ethics Commission with a request that it be reviewed and considered for action by that body.

The Commission did not initiate any investigations in FY 2018.

Educational Activities

Throughout Fiscal Year 2018, Municipal Integrity Officers Natalya Buckler (former) and Etie-Lee Schaub (current), and Ethics Education Coordinator Rosa Arias-Perry have taken numerous steps to ensure ongoing education of Providence employees and officials on the requirements of the Providence Code of Ethics. The Commission believes education to be one of its top priorities, and looks forward to continued work with the Municipal Integrity Officer and Ethics Education Coordinator to ensure that City of Providence employees and officials are equipped with the necessary resources to understand, appreciate, and adhere to their ethical obligations.

In addition, the Providence Ethics Commission resolved on October 11, 2017 to list Financial Disclosure Statements filed by elected officials with Rhode Island Ethics Commission and election filings of elected officials on the Providence Ethics Commission website. This action was taken in accordance with the Commission's belief that equipping the public with information is necessary to achieving and maintaining an ethical city government.